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Paper No. 6

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JUN 03 2002

OFFICE OF PETITIONS

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|--------------------------------|---|-------------|
| In re Application of | : | |
| John Wallner et al | : | |
| Application No. 09/971,097 | : | ON PETITION |
| Filed: October 3, 2001 | : | |
| Attorney Docket No. 06979-0013 | : | |

This is in response to the petition under 37 CFR 1.47(a), filed April 22, 2002.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (2) set forth above.

As to item (2), the declaration submitted with the petition is not in compliance with 37 CFR 1.63 and 1.64. The declaration fails to set forth the residence mailing address and citizenship of joint inventor John Wallner. Accordingly, a declaration in compliance with 37 CFR 1.63 and 1.64 signed by the signing inventors on behalf of themselves and on behalf of nonsigning inventor John Wallner is required. Note MPEP 409.03(a); MPEP 602, and MPEP 605.01.

In order to expedite consideration of the petition under 37 CFR 1.47(a), petitioner may wish to submit the renewed petition by facsimile transmission to the telephone number indicated below and to the attention of Irvin Dingle.

Further correspondence with respect to this matter should be addressed as follows:

By mail: U.S. Patent and Trademark Office
P.O. Box 2327
Mailstop DAC
Arlington, VA 22202

Or

Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA 22202

Telephone inquiries related to this decision should be directed to Irvin Dingle at (703) 306-5684.

Frances Hicks
Frances Hicks

Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy